

**REMARKS**

**I. Status of the Application**

By the present Amendment, Applicant amends claims 1-2, 7, 11-12 and 14-15. Applicant also adds claim 17. Claims 1-17 are all the claims pending in the Application. Claims 1-16 have been rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

**II. Claim Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claims 1-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over JP Patent 2002-052738 to Yanagida (hereinafter “Yanagida”) over U.S. Patent No. 6,247,784 to Obana (hereinafter “Obana”). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagida (JP 2002-052738) over Obana et al. (6,247,784), and further in view of Tanaka et al. (JP 10-286976). Applicant respectfully traverses all of the Examiner’s rejections for *at least* the reasons set forth below.

In order for the Examiner to maintain a rejection under 35 U.S.C. §103, the cited references must teach or suggest all of the recitations of claims 1-16. Applicant respectfully submits that Yanagida, Obana, Tanaka, and any combination thereof, fails to teach or suggest all of the recitations of claims 1-16.

**A. Independent Claim 1**

Without conceding the merits of the Examiner’s rejections, claim 1 has been amended, as set forth above, to recite (among other things):

...an acquisition device that acquires the information stored in said memory element of the liquid container mounted on the carriage and information stored in a memory element which is provided in a replacement liquid container replaceable with the liquid container mounted on the carriage and stores information about retained liquid, wherein a first communication section is connected to each memory element, and wherein the acquisition device has a second communication section communicatable with each first communication section in a non-contact manner for acquiring the information stored in each memory element...

According to the invention recited in claim 1, the acquisition device acquires the information stored in the memory element of the carriage-mounted liquid container and the information stored in the memory element of the replacement liquid container replaceable with the carriage-mounted liquid container in a non-contact manner. Further, the determining section determines whether or not to replace the carriage-mounted container with the replacement liquid container, based on the acquired information. If it is determined that replacement with the replacement liquid container should be performed, then the control section controls the moving mechanism to move the carriage to the replacement position from a standby position.

That is, by merely placing the replacement liquid container close to the acquisition device (the second communication device) of the liquid injection apparatus, for example, the determination section determines whether or not replacement with the replacement liquid container should be performed. Moreover, in the case where replacement should be made, the carriage is moved to the replacement position automatically. Therefore, as described on page 23, line 29 – page 24, line 10, the burden on the user in the liquid container replacement task is light and the replacement task is easy.

In start contrast to the recitations of claim 1, neither Yanagida, Obana, nor any combination thereof, teaches or suggests the features of wherein the acquisition device has a second communication section communicatable with each first communication section in a non-contact manner for acquiring the information stored in each memory element, as claimed. Contrary to claim 1, Yanagida merely discloses a contact (141, 1213) provided in a cartridge holder and an IC memory (611, 511) provided on a cartridge. However, Yanagida teaches that the contact (141, 1213) mechanically contacts the IC memory (611, 511) to obtain the information from the IC memory (611, 511). As a result, Yanagida fails to teach that the information stored in the memory element of the carriage-mounted liquid container and the information stored in the memory element of the replacement liquid container are acquired in a non-contact manner to determine whether or not replacement with the replacement liquid container should be performed, as claimed.

Moreover, Obana fails to remedy the deficient teachings of Yanagida. The grounds of rejection allege that FIG. 5 of Obana shows that the sensor (64) is provided on a cover (61) in a non-contact manner for detecting the opening and closing of the cover 61.” However, Obana still fails to teach or suggest the features of wherein the acquisition device has a second communication section communicatable with each first communication section in a non-contact manner for acquiring the information stored in each memory element, as claimed.

To the contrary, column 9, lines 35-38 of Obana explicitly describe that “[a] cover sensor 64 acts as lid section detecting means formed by a mechanical switch to detect opening and closing of the cover 61” (emphasis added). Therefore, it is quite clear from Obana that the sensor 64 shown in FIG. 5 is a mechanical contact sensor but is not a non-contact sensor, as

recited in claim 1. Obana also fails to teach or suggest that the cover sensor 64 acquires information stored in each memory element, as further recited in claim 1.

Thus, Applicant respectfully submits that claim 1 is patentable over the cited references for *at least* these reasons. Moreover, the dependent claims 2-6 are patentable over the cited references *at least* by virtue of their dependency. Indeed, Tanaka fails to remedy the deficient teachings of Obana and Yanagida. As such, Applicant respectfully requests that the Examiner withdraw these rejections.

**B. Independent Claim 7**

Independent claim 7 has been amended, as set forth above, to depend from claim 1. Therefore, claim 7 is patentable over the cited references *at least* by virtue of its dependency. Further, the dependent claims 8-10 are patentable *at least* by virtue of their dependency on claim 7. Therefore, Applicant respectfully requests that the Examiner withdraw these rejections.

**C. Independent Claims 11 and 14**

In view of the similarity between the requirements of claims 11 and 14 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claims 11 and 14. As such, it is respectfully submitted that claims 11 and 14 are patentably distinguishable over the cited references *at least* for reasons analogous to those presented above. Further, Applicant submits that the dependent claims 12-13 and 15-16 are allowable *at least* by virtue of their dependency on claims 11 and 14, respectively. Thus, the allowance of these claims is respectfully solicited of the Examiner.

### **III. New Claim 17**

New claim 17 has been added to more fully protect the present invention. Claim 17 recites (among other things) the features of a control section which controls said moving mechanism to move said carriage to the replacement position from the standby position regardless of an operation of the operation portion when said determining section has determined that replacement with said replacement liquid container should be performed and to move said carriage to the replacement position from the standby position regardless of a determination by said determination section when the operation portion is operated.

These features are nowhere taught or suggested by any of the cited references and, therefore, claim 17 is patentable for *at least* these reasons.

### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/510,200

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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